

GABRIEL L. GRASSO, ESQ.
Nevada Bar No. 7358
GABRIEL L. GRASSO, P.C.
411 South 6th Street
Las Vegas, NV 89101
T: (702) 868-8866
F: (702) 868-5778
E: gabriel@grassodefense.com
Attorney for ROONEY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No.: 2:18-cr-00398-APG-NJK
vs.)	
)	STIPULATION TO CONTINUE
AUSTIN ROONEY,)	SENTENCING DATE
)	
)	(SECOND REQUEST)
Defendant.)	
)	

Certification: This stipulation is filed pursuant to General Order 2007-04.

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Truntanich, United States Attorney, and Kevin D. Schiff, Assistant United States Attorney, counsel for the United States of America, and Gabriel L. Grasso, Esq, counsel for AUSTIN ROONEY (ROONEY), that the sentencing hearing currently scheduled for September 8, 2020, at 9:30 a.m., be vacated and continued to a date and time convenient to this court, but no event earlier than NINETY (90) days.

Pursuant to General Order No. 2007-04, this stipulation is entered and based upon the following:

1. ROONEY is on pretrial release, employed full time, and does not oppose this continuance.
2. The parties agree to the continuance.
3. The parties have agreed that based upon the effects of the Pandemic on all aspects of court procedure, as well as BOP virus containment efforts, a 90-day postponement of the sentencing is in order. The PSR in this case contemplates a prison sentence, and based upon ROONEY'S current pretrial release and employment situation,

1 a delay of possible incarceration is in all parties' best interest. ROONEY is employed at
2 Lawyer mechanical as an HVAC technician and is currently working 7 days a week due to
increased demand for AC repairs.

3 4. Denial of this request for continuance would deny the defense sufficient time to be
4 able to assist in defendant's sentencing and file a Sentencing Memorandum with the
5 court.

6 5. This is the second request for a continuance of the sentencing date in this case.

7 DATED this 24th day of August, 2020.

8
9 RESPECTFULLY SUBMITTED BY:

10
11 /s/ Kevin D. Schiff
12 KEVIN D. SCHIFF
Assistant United States Attorney

/s/ Gabriel L. Grasso
GABRIEL L. GRASSO
Attorney for ROONEY

GABRIEL L. GRASSO, ESQ.
Nevada Bar No. 7358
GABRIEL L. GRASSO, P.C.
411 South 6th Street
Las Vegas, NV 89101
T: (702) 868-8866
F: (702) 868-5778
E: gabriel@grassodefense.com
Attorney for ROONEY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

AUSTIN ROONEY,)

Defendant.)

Case No.: 2:18-cr-00398-APG-NJK

STIPULATION TO CONTINUE
SENTENCING DATE

(SECOND REQUEST)

FINDINGS OF FACT

Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds that:

1. The parties have agreed that based upon the effects of the Pandemic on all aspects of court procedure, as well as BOP virus containment efforts, a 90-day postponement of the sentencing is in order. The PSR in this case contemplates a prison sentence, and based upon ROONEY'S current pretrial release and employment situation, a delay of possible incarceration is in all parties' best interest.
2. ROONEY is on pretrial release and does not oppose to the continuance.
3. The parties agree to the continuance.

CONCLUSIONS OF LAW

Denial of this request for continuance would result in a miscarriage of justice.

ORDER

IT IS ORDERED that the sentencing hearing currently scheduled for September 8, 2020, at 9:30 a.m., be vacated and continued to December 8, 2020, at the hour of 3:00 p.m. in Las Vegas courtroom 6C before Andrew P. Gordon.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: August 24, 2020